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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,968	03/31/2000	Stanley Mo	INTL-0365- (P8584)	2086

7590 04/09/2003

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EXAMINER

RUDY, ANDREW J

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/540,968

Applicant(s)

MO ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-30 are pending.
2. Pursuant to Applicant's 10 February 2003 Amendment and REMARKS the rejections from pages 2-4 of the previous Office Action (Paper No. 14 mailed November 7, 2002) are withdrawn.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linberg, US 6,385,593.

Linberg discloses an automated electronic on-line connection over a network, 256, 270, (e.g., col. 15, lines 6-16) having inventory database 260. Once inventory database 260 receives a request for an item from the inventory, inventory control module 264 automatically generates an inventory request to provide additional inventory. Though not specifically disclosed as an inventory allocation, to have viewed the inventory of Linberg as such would have been obvious to one of ordinary skill in the art. Doing such would use the medical inventory of Linberg for the special purpose it is designed for. The replenishment disclosed by Linberg is deemed dynamic.

To have provided a plurality of sales to trigger the replenishment of inventory is deemed an obvious variant of on-line purchasing to one of ordinary skill in the art.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Official Notice.

Applicant's claim language reads upon the notoriously well known "just in time" replenishment of inventory. It is well known that many establishments, e.g. auto dealers, wood workers, replenish their stock as soon as the one or more speciality items, e.g. the shiny red car with bucket seats or a rocking chair is sold. Both are known to implement a dynamic system such as the Internet network using a computer system (including logic, instructions, etc.) to carry out the objective of replenishing the inventory of stock. The item may be replenished if one or a plurality of sales is consummated with a purchaser of their goods. To have provided an electronic indication of an inventory allocation for these or similar "just in time" replenishment of inventory would have been obvious to one of ordinary skill in the art.

4. Further references of interest:

Salvo, US 6,341,271, discloses an electronic inventory replenishment system.

Auld, Bev in Business Wire discloses an electronic reorder transaction.

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***Conclusion***

5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808.

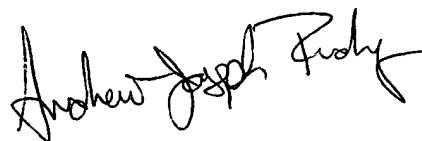
The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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April 3, 2003

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is written in a cursive, flowing style with a large initial 'A' and 'R'.